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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/723,703 | 11/26/2003 | Robert R. Turvey | J-3602A | 7847 |
| 28165 | 7590 | 07/14/2005 | EXAMINER | |
| S.C. JOHNSON & SON, INC. 1525 HOWE STREET RACINE, WI 53403-2236 | | | KING, ANITA M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3632 | |

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/723,703 | Applicant(s) TURVEY, ROBERT R. | |
| | Examiner Anita M. King | Art Unit 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION..

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,8-13,16,17 and 19-54 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 8,9,19-22 and 33-53 is/are allowed.
 6) ☒ Claim(s) 5,10,16,17,23-25,28,29,32 and 54 is/are rejected.
 7) ☒ Claim(s) 11-13,26,27,30 and 31 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Handwritten signature/initials

This is the third office action for application number 10/723,703, Method and Device for Suspending Pouches, filed on November 26, 2003.

Response to Amendment

The indicated allowability of claims 5, 10, and 28 is withdrawn in view of the newly discovered reference(s) to Kagayama. Rejections based on the newly cited reference(s) follow.

Cancellation of Claims

Claims 1-4, 6, 7, 14, 15, and 18 have been canceled per applicant's request.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10, 16, 23, 24, 28, 29, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,332,183 to Kagayama. Kagayama discloses a suspension device comprising: a base member (15) comprising a housing; a clamping assembly (1) mounted for sliding movement relative to the base member and adapted to clamp an item, wherein the clamping assembly includes a first clamping member (3) and a second clamping member (5) movable with respect to the first clamping member and wherein the second clamping member includes a pin (11) pivotally mounted to the first clamping member, an arm portion, and a stop member (33) engageable with the first clamping member; wherein the first clamping member includes an elongate body

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having a grasping portion (top end) disposed at one end thereof and a guide portion (7a, 7b) disposed at another end thereof; the housing having a mounting member and first and second side walls; wherein each of the first and second side walls includes the elongate recesses; wherein the arm portion contacts the first clamping member when the second clamping member is moved to at a first position and wherein the stop member contacts the first clamping member when the second clamping member is moved to a second position; and wherein the base member includes a surface that limits travel of the first and second clamping members relative to the base member along a linear path direction.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kagayama. Kagayama discloses the claimed invention except for the limitation of the first and second angular limits comprise zero and thirty degrees, respectively. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the angular limits between the clamping members in Kagayama to have been between zero and thirty degrees for the purpose of providing a set limit to for the pivotal positioning between the clamping members and since there is no criticality for this particular values and such a medication would not have produced any unexpected results.

Allowable Subject Matter

Claims 8, 9, 19-22, and 33-53 are allowed.

Claims 11-13, 26, 27, 30, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 614,880 to Miller

U.S. Patent 6,019,329 to Edelstein

U.S. Patent 6,648,286 to Evans et al.

Miller discloses an adjustable lantern holder having a housing and a clamping assembly. Edlestein discloses a clamp having a housing and clamping assembly. Evans et al. disclose a holding hook clamp.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

July 11, 2005